

Entered -10-17-01 sb  
CL 01L0656 - GWENDOLYN BURNS

CLAIM OF:

**CLARK D. LANDERS**  
80 Wakefield Drive, NE  
Atlanta, Georgia 30309

02-*R*-0781

For vehicular damages sustained when a limb fell from a tree and struck an automobile on September 3, 2001 at 80 Wakefield Drive, NE.

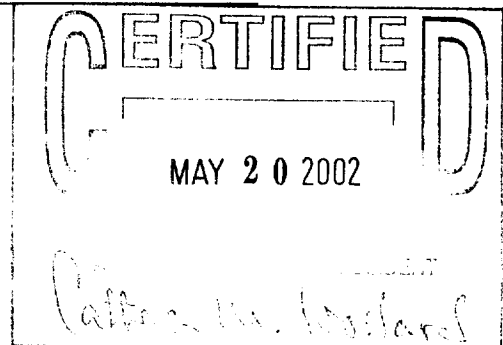
THIS ADVERSED REPORT IS  
APPROVED

CONSENT AGENDA

BY:

*Robert N. Godfrey*  
**Robert N. Godfrey**  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL MAY 20



## ADVERSE REPORT

COMM: *Public Safety*

DATE: *5/14/02*

CHAIR: *[Signature]*

*[Signature]*

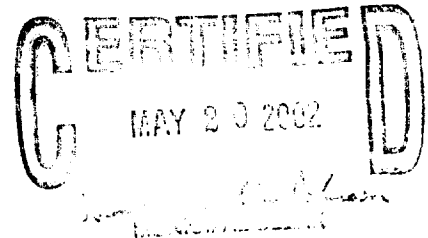
*[Signature]*

*[Signature]*

*C. T. Martin*

*[Signature]*

*[Signature]*





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

May 31, 2002

Clark D. Landers  
80 Wakefield Dr., NE  
Atlanta, GA 30309

02-R-0781

Dear Mr. Landers:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 20, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0656

Date: May 2, 2002

Claimant /Victim CLARK D. LANDERS  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 80 Wakefield Drive, NE, Atlanta, Georgia 30309  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 3,225.40 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 9/24/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 9/3/01 Place: 80 Wakefield Drive  
Department PARKS, RECREATION & CULTURAL AFFAIRS Division Parks  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant alleges that his parked vehicle sustained damages when it was struck by a limb that fell from a tree that was located on the City's right of way. An investigation determined that the Parks Division received a work order to trim dead wood from a tree at this location on September 6, 1996 and April 1998. No subsequent records or complaints were found to indicate that the Parks Division had received a recent notice of a problem prior to claimant's incident.

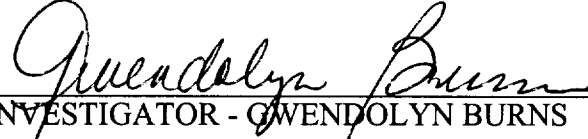
**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

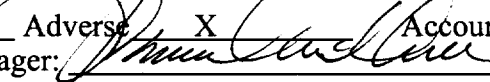
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 05-03-02  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3731  
5/20/02  
2:33 PM

Atlanta City Council

Regular Session

CONSENT I            PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
NV Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

CONSENT AGENDA MAY 20, 2002

ITEMS ADOPTED ON THE  
CONSENT AGENDA

02-R-0813	02-R-0753
02-R-0812	02-R-0754
02-R-0807	02-R-0755
02-R-0805	02-R-0756
02-R-0721	02-R-0757
02-R-0504	02-R-0758
02-R-0808	02-R-0759
02-R-0708	02-R-0760
02-R-0707	02-R-0761
02-R-0882	
02-R-0881	
02-R-0809	
02-R-0798	
02-R-0797	
02-R-0732	
02-R-0706	
02-R-0724	
02-R-0802	
02-R-0888	
02-R-0887	
02-R-0733	
02-R-0731	
02-R-0728	
02-R-0727	
02-O-0846	
02-O-0830	
02-O-0703	
02-O-0699	
02-O-0671	
02-O-0606	
02-O-0605	
02-O-0833	
02-O-0601	
02-O-0488	
02-O-0836	
02-O-0845	
02-O-0844	
02-O-0843	
02-O-0835	
02-O-0834	
02-O-0603	
02-R-0735	
02-R-0752	

ITEMS ADVERSED ON THE  
CONSENT AGENDA

02-R-0762
02-R-0763
02-R-0764
02-R-0765
02-R-0766
02-R-0767
02-R-0768
02-R-0769
02-R-0770
02-R-0771
02-R-0772
02-R-0773
02-R-0774
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02-R-0789
02-R-0790
02-R-0792
02-R-0793
02-R-0794
02-R-0795
02-R-0796